

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS, AUSTIN DIVISION

FLASHPARKING, INC.	:	
	:	
Plaintiff,	:	Civ. No. 23-772
	:	
v.	:	
	:	
MICHAEL SELLERS MACDONALD,	:	
	:	JULY 7, 2023
Defendant.	:	
	:	

STATEMENT IN REMOVED CASES

Pursuant to 28 U.S.C. §1441, and Local Rule, the Defendant Michael MacDonald ("MacDonald"), hereby states:

1. On June 9, 2023, Plaintiff filed a Petition and Application for Temporary Restraining Order and Temporary and Permanent Injunction against defendant in in the State Action, County Court at Law No. 2, Travis County, TX, Cause No. C-1-cv-23-002440.

2. On June 14, 2023, a copy of the Citation and Petition and Application for Temporary Restraining Order and Temporary and Permanent Injunction in the State Action was served on MacDonald at his residence at 1509 Brookside Drive, Fairfield, CT 06824.

3. Defendant is not a citizen of the State of Texas. Defendant resides in Connecticut.

4. Plaintiff, Flashparking, Inc., is a Delaware corporation with its principal place of business in Austin, Texas, Travis County, Texas.

5. This Notice of Removal of a Civil Action is filed with this Court, less than thirty days after receipt by MacDonald of a copy of the Citation and Petition upon which the State Action is based, as calculated under Rule 6(a) of the Federal Rules of Civil Procedure.

6. On June 12, 2023, a temporary Restraining Order was issued by the Court.

7. On June 15, 2023, a first amended Petition and Application for Temporary Restraining Order and Temporary and Permanent Injunction was filed with the State court.

8. On June 20, 2023, an amended temporary Restraining Order was issued by the Court.

9. No proceeding has been had in the State Action, except that MacDonald has filed a motion of non-resident attorney to appear pro hac vice, a notice appearance, a special appearance, and motion for an enlargement of time to appear at the show cause hearing. No motion filed has been adjudicated at the time of this filing.

10. The above-described action is one over which this Court has original jurisdiction under the provisions of 28 U.S.C. 1332, diversity of citizenship.

11. This Court has original jurisdiction pursuant to 28 U.S.C. 1332 and removal is appropriate pursuant to 28 U.S.C. 1441 because Plaintiff, a foreign corporation organized under the laws of the State of Delaware, and with a principal place of business in Texas, asserts claims against MacDonald, a Connecticut resident, and the amount in controversy exceeds \$75,000, including potential counter claims and attorney's fees.

DEFENDANT,
MICHAEL MACDONALD

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/s/ Sean D. Johnson
Sean D. Johnson
Texas Bar No. 24055746
sjohnson@reidcollins.com

CERTIFICATION OF SERVICE

Pursuant to Federal Rules of Civil Procedure Rule 5, I hereby certify that a copy of the above document was served via electronic mail on July 7, 2023 to:

FOR PLAINTIFF:

Lessie C. Gilstrap, Esq.

lessie@gilstraplawgroup.com

Glorieni M. Azeredo, Esq.

gazeredo@gilstraplawgroup.com

/s/ Sean D. Johnson

Sean D. Johnson

sjohnson@reidcollins.com

AND

CERTIFICATION OF SERVICE

Pursuant to Efiling Local Rule 5.4, this is to certify that on July 7, 2023, a copy of the foregoing was filed electronically on the Texas County Court's efiling system, emailed to the parties below, and delivered to all those with access to such efiling system and mailed, postage prepaid, to those parties without electronic access. The electronic transmission was reported as complete.

/s/ Sean D. Johnson

Sean D. Johnson

sjohnson@reidcollins.com

The foregoing document was emailed to:

FOR PLAINTIFF:

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